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## BOOK REVIEWS

4. The vessel findings seem to point toward the left temporal lobe as being of low development.

5. The measurements of the gyri and sulci of Junkins' brain compared to the measurements of fifty average brains point to great variations in the left parietal and the frontal and temporal regions.

6. Close study of the gyri and sulci shows that the frontal and parietal regions were late in maturing and that the temporal lobe had not yet reached its full complexity.

7. According to Professor Benedict's classification of criminal brains, we must classify Junkins' brain as slightly deviating from the school type.

8. Bolton's micrometric measurements of the primary cell and fibre laminae of the cortex seem to show a deficiency in gray matter.

9. The fibre dissection of the brain shows distinct underdevelopment, anomalous development and atypical construction of the association bundles.

10. There is no doubt in my mind but that John Junkins was an atypically-constructed human being, an anatomical defective, and consequently the possessor of an atypically functioning mind.

11. Being convinced that in non-diseased criminals there must exist an anatomical basis for crime, and knowing also that criminals of this class cannot be recognized by juridical and psychologic methods only, *I do not hesitate in recommending the abolishment of capital punishment* and the erection of special establishments for the perpetual or indefinite seclusion of incorrigible criminals. This is recommended also by Lombroso in Italy, Leveille in France, Minzloff in Russia, May in England, Kraepelin in Germany, Wallberg in Austria, Guillaume in Switzerland, Van Hamel in Holland, Lucas in Portugal, and Wines and Wayland in America."

The science of Criminology stands in need of just such detailed studies as this of Dr. Hoeve's. It is to be hoped that many more may be forthcoming which will combine an intensive study of the mind of the criminal with that of his anatomy.

Northwestern University.

ROBERT H. GAULT.

ZUR PSYCHOLOGIE DER AUSSAGE: EIN VORTRAG, MIT EINEM ANHANG: UEBER DIE GESETZLICHE BESEITIGUNG DES ZEUGENEIDS. (Revised, 2d edition.) By *Dr. Johann Georg Gmelin*. Hanover, 1909. Pp. 98.

The first part of this pamphlet is a reprint, with some modifications of a portion of the third volume of the author's *Juristisch psychiatrischen Grenzfragen*. In it, he discusses the chief conclusions that have come from the experimental investigation of testimony with respect to their application in jurisprudence. He particularly urges practitioners to make themselves acquainted with what experimental psychology has to offer them in this field, because, although lawyers and jurists often learn, after long practice, to disentangle the true and the false and to know by experience what kinds of testimony should be valid and what invalid, yet this kind of practical knowledge may be made conscious, systematic and scientific by the study of the psychology of testimony. Stern's demonstration that errorless testimony is the exception, not the rule, that

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most witnesses can not tell the truth when they want to, does not mean that we must give up the taking of testimony; rather that we must make the utmost effort to recognize and avoid or to allow for the existence of these errors. It is folly for jurisprudence to neglect or to try to minimize the work done by psychologists in the scientific study of testimony. Particular attention is called to the danger of false testimony that arises when the mind of the witness is in some respect abnormal (various forms of mental deficiency and disorganization in their mild or early stages) without this fact being recognized by the court. The author also deprecates the present methods of legal procedure in Germany, whereby the advantages of the "narrative" or "primary report" are lost and the accuracy of the best witness is injured by a series of detailed interrogations, often shot through with suggestive questions.

The second portion of the pamphlet discusses in detailed manner the problem of the oath, with reference, naturally, to the conditions obtaining in Germany. He points out that the necessity of a religious oath in the swearing of witnesses seems axiomatic to many jurists. However, Switzerland gets on without a religious oath and there are perfectly good grounds for dispensing with it in Germany. The relation of church and state in their mutual "proprietaryship" of the oath are treated at length. Gmelin speaks of the church as having lent or delegated the oath to the state. He argues that the church ought to be glad to have the oath dispensed with in civic life, that the state has no moral right to compel any person to take a religious oath, that the whole process of swearing the witness is a relic of primitive times, wholly out of place in modern civilization and culture, that the religious factor in the oath does not keep liars from lying nor make a good witness any better, while, as for the few who are kept from perjury by its use, most of them would be equally cautious if they were told that false testimony would be punished by ten years' imprisonment, and the handful that remain are not worth considering. The abolishment of the oath is one more step in the emancipation of the state from the forms of the church. But let us by no means consider the use of the facultative oath. To do so invites a colossal social danger. The religious oath should be abolished entirely and its place taken by a solemn affirmation of intent to tell the truth, supported by due warning on the part of the judge of the consequences of false testimony.

Cornell University.

G. M. WHIPPLE.

LE CHIEN DE GARDE, DE DÉFENSE ET DE POLICE. By *Joseph Couplet*. Bruxelles: J. Lebegue et Cie, 1911. Pp. 261.

This book is divided into five chapters. The first chapter is devoted by the author to a consideration of the physiology of the dog. There is an excellent section devoted to the subject of hydrophobia, its detection, its differentiation from other distempers, and advice to those who may be bitten by a rabid dog. The value of this section is so great to the practical police officer that every policeman ought to be supplied with a translation of it for his personal use. The remainder of the first chapter is devoted to other diseases of dogs, the breeding of dogs, with explicit directions on the subject and the hygiene of dog management.